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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Imation Corp.
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EXAMINER

SCHUBERT, KEVIN R

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/907,230

Applicant(s)

LE ET AL.

Examiner

Kevin Schubert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09242001</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-37 have been considered.

Claim Rejections - 35 USC § 102

5 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

10 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15 Claims 1-6,8,10,14-20, and 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Carson, U.S. Patent No. 6,715,122.

20 As per claims 1 and 15, the applicant describes a method with the following limitations which are met by Carson:

- a) receiving input from a user (Col 3, line 39);
 - b) receiving an access key from a medium, wherein the access key includes uncorrected data and associated error correction information having one or more errors (Col 3, lines 28-47);
 - c) controlling access to the medium based on the input and the uncorrected data (Col 3, lines 28-47);
- 25

The applicant should note that Carson describes a method for intermingling errors within data which is "applicable to any data set capable of being digitally represented" (Col 3, 30-31). This includes playback data or access key data, which the applicant manipulates in his preferred embodiment.

30

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As per claims 2 and 16, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitations which are also anticipated by Carson:

- 5 a) invoking a device driver of a storage device to read the uncorrected data from the medium without modification from application of the error correction information (Col 3, lines 28-47);
- b) comparing the uncorrected data and the input (Col 3, lines 28-47).

As per claims 3 and 17, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitation which is also anticipated by Carson:

wherein controlling access to the medium includes installing a software application from the medium onto a computing system (Col 9, lines 7-18).

15 As per claims 4, 18, and 36, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitation which is also anticipated by Carson:

wherein controlling access to the medium includes executing a software application from the medium (Col 9, lines 7-18).

20

As per claim 5, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitations which are also anticipated by Carson:

- a) copying content from the medium to a second medium (Col 3, lines 55-66);
- b) applying the error correction information to the uncorrected data to produce a second
- 25 access key (Col 3, lines 55-66);
- c) copying the second access key to the second medium (Col 3, lines 55-66);

As described earlier, the applicant should note that Carson describes a method for intermingling errors within data which is "applicable to any data set capable of being digitally

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represented" (Col 3, 30-31). This includes access key data, which the applicant manipulates in his preferred embodiment.

As per claims 6 and 19, the applicant describes the method of claim 1, which is
5 anticipated by Carson (see above), with the following limitation which is also anticipated by Carson:

wherein controlling access to the medium includes producing an audio output based on content stored on the medium (Col 3, lines 28-32).

10 As per claims 8,20, and 26, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitation which is also anticipated by Carson:

wherein the error correction information includes error correction information selected from an error correction code, a cyclic redundancy code, and a Cross Interleaved Reed-Solomon
15 Code (Col 3, lines 30-32).

The applicant should note that Carson's system of error insertion is applicable to any system with error correction codes, including cyclic redundancy code as pertaining to claim 26.

As per claims 14,22, and 28, the applicant describes the method of claim 1, which is met
20 by Carson (see above), with the following limitation which is also anticipated by Carson:

wherein the uncorrected data includes accurate error correction information for the uncorrected data (Col 3, lines 56-66).

As per claim 23, the applicant describes a computer-readable medium with the following
25 limitations which are anticipated by Carson:

a) an access key having uncorrected data and associated error correction information having one or more errors (Col 3, lines 28-47);

b) digital content (Col 3, lines 28-32);

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c) an executable software application to control access to digital content based on the uncorrected data (Col 9, lines 7-18);

As described earlier, the applicant should note that Carson describes a method for intermingling errors within data which is "applicable to any data set capable of being digitally represented" (Col 3, 30-31). This includes access key data, which the applicant manipulates in his preferred embodiment.

As per claim 27, the applicant describes the method of claim 23, which is met by Carson (see above), with the following additional limitation which is also met by Carson:

10 wherein the error correction information causes the uncorrected data to be changed when the computer-readable medium is copied (Col 3, lines 55-66);

The applicant should note that the error concealment steps are not included when the data is copied.

15 Claims 29-32 and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Stebbings, U.S. Patent No. 6,684,199.

As per claim 29, the applicant discloses a method according to the following limitations which are anticipated by Stebbings:

20 a) generating an access key having uncorrected data and incorrect error correction information (Col 15, lines 60-67; Col 16, lines 1-5);

b) associating digital content and the access key on a computer-readable medium (Col 15, lines 60-67; Col 16, lines 1-5);

The applicant should note that the access key is the predetermined error which is downloaded onto the computer-readable medium.

As per claim 30, the applicant discloses the method of claim 29, which is anticipated by Stebbings (see above), with the following limitation which is also anticipated by Stebbings:

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wherein associating content and the access key comprises communicating the digital content and the access key through a transmission medium (Col 15, lines 49-53)

The applicant should note that an optical disc reader is a transmission medium.

5 As per claim 31, the applicant discloses the method of claim 29, which is anticipated by Stebbings (see above), with the following limitation which is also anticipated by Stebbings:

 wherein associating the content and the access key comprises storing the digital content and the access key on a storage medium (Col 15, lines 49-53; Col 15, lines 60-67; Col 16, lines 1-5);

10

 As per claim 32, the applicant discloses the method of claim 29, which is anticipated by Stebbings (see above), with the following limitation which is also anticipated by Stebbings:

 further including applying the incorrect error correction information to the uncorrected data when the access key is copied from the medium to a second medium (Col 14, lines 48-51).

15

 As per claim 35, the applicant discloses the method of claim 29, which is anticipated by Stebbings (see above), with the following limitation which is also anticipated by Stebbings:

 wherein the digital content includes an audio file (Col 14, lines 48-51).

20 As per claim 36, the applicant discloses the method of claim 29, which is anticipated by Stebbings (see above), with the following limitation which is also anticipated by Stebbings:

 wherein the digital content includes an application file (Col 14, lines 48-51).

 As per claim 37, the applicant discloses the method of claim 29, which is anticipated by Stebbings (see above), with the following limitation which is also anticipated by Stebbings:

25

 wherein generating the access key includes generating uncorrected data having accurate error correction information (Col 15, lines 20-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

5 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the
10 invention was made.

Claims 7,9,11-13,21, and 33-34 are rejected under 35 U.S.C. 103(a).

Claims 7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over
15 Carson in further view of Stebbings, U.S. Patent No. 6,684,199.

As per claim 7, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitations which are met by Stebbings:

a) receiving a first access key and a second access key from the medium, where the first
20 and second access keys each include uncorrected data (Col 15, lines 60-67; Col 16, lines 1-5);

b) comparing the uncorrected data of the first access key to the uncorrected data of the second access key (Col 15, lines 60-67; Col 16, lines 1-5);

c) selectively using the first access key based on the comparison (Col 15, lines 60-67; Col 16, lines 1-5);

25 Carson describes all the limitations of claim 1. However, Carson fails to disclose comparing a first and second access key and selectively using one based on the comparison. Stebbings describes a system where the access keys are embedded as predetermined errors and authorization is done based on comparing the predetermined errors with the authentication key. It would have been obvious to one of ordinary skill in the art at the time the invention was
30 filed to combine the teachings of Stebbings with those of Carson and include a system based on comparing a first and second access key for validation.

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As per claim 11, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitation which is met by Stebbings:

wherein receiving the access key includes decrypting the access key (Col 14, lines 66-67);

Carson describes all the limitations of claim 1. However, Carson fails to disclose the use of decrypting the access key for added security. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the teachings of Stebbings with those of Carson and make use of decrypting the access key for added security.

As per claim 12, the applicant describes the method of claim 1, which is anticipated by Carson (see above), with the following limitation which is anticipated by Stebbings:

further including selecting the access key from a plurality of access keys, where each of the access keys includes data and associated error correction information having one or more errors (Col 15, lines 40-47);

The applicant should note that Stebbings' system includes a plurality of access keys whereby a particular access key needs to be selected and used to play the appropriate track on a CD.

Carson describes all the limitations of claim 1. However, Carson fails to disclose the use of various access keys. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the teachings of Stebbings with those of Carson and include the use of various access keys because a plurality of access keys might be needed for a plurality of functions.

Claims 9, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson in further view of Sims, U.S. Patent Application Publication No 20020016919.

As per claims 9 and 21 the applicant describes the method of claim 1, which is met by Carson (see above), with the following limitation which is met by Sims:

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wherein controlling access to the medium comprises decrypting digital content contained within the medium based on the uncorrected data and the input [0044];

Carson discloses all the limitations of the claims 1 and 15 respectively. However, Carson fails to disclose the use of decrypting digital content. Sims discloses the use of public key cryptography and decrypting digital content in his system for added security. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the teachings of Sims with those of Carson and make use of decrypting digital content for added security.

10 As per claim 13, the applicant describes the method of claim 12, which is met by Carson in further view of Stebbings (see above), with the following limitations which are met by Stebbings:

a) assigning a random number to the medium, wherein the random number is uniquely associated with the medium ([0044]);

15 b) selecting the access key from the plurality of access keys based on the random number ([0044]);

c) generating a hash value from the random number and the selected access key ([0046]);

d) decrypting content of the medium using the hash value [0044];

20 Carson fails to disclose the use of a random number and a hash value as an added security measure. Stebbings includes a random number and the possibility of using a hash value in his system. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the teachings of Stebbings with those of Carson and include the use of a random number and a hash value for added security.

25

Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stebbings in further view of Sims.

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As per claims 33 and 34, the applicant describes the method of claim 29, which is anticipated by Stebbings (see above), with the following limitations which are met by Sims:

- a) receiving input from a user ([0044]);
- b) generating an encryption key based on the input and the access key ([0044]);
- 5 c) encrypting the digital content based on the encryption key ([0044]; [0032]);
- d) associating the encrypted digital content with the access key ([0044]);

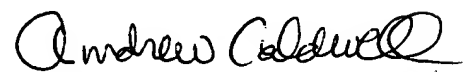
Stebbing discloses all the limitations of the claim 29. However, Stebbings fails to disclose the use of encryption. Sims discloses the use of encryption and public key cryptography in his system for added security. It would have been obvious to one of ordinary skill in the art at
10 the time the invention was filed to combine the teachings of Sims with those of Stebbings and make use of encryption for added security.

Regarding claim 34, Sims discloses that the encrypted data is used in connection with a transmission medium in paragraph ([0013]).

15 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the
20 organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,
25 see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Andrew Caldwell